

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In Re:

BRIAN PATRICK MCCARTHY
PATRICIA ELLEN MCCARTHY

Debtors

Chapter 13

Bankruptcy No. 23-12859-MDC

TRUSTEE'S MOTION TO DISMISS PURSUANT TO 11 U.S.C. SECTION 1307

To the Honorable Judges of the United States Bankruptcy Court for the Eastern District of Pennsylvania:

1. Your Movant is Kenneth E. West, Esq. the duly qualified and acting Chapter 13 Trustee in the above-captioned case.
2. The within case was commenced by the filing of a Chapter 13 petition on 09/20/2023.
3. This Motion to Dismiss has been filed for the following reason(s):
 - There has been unreasonable delay by debtor(s) that is prejudicial to creditors pursuant to 11 U.S.C. Section 1307(c)(1).
 - There has been unreasonable delay by debtor(s) that is prejudicial to creditors pursuant to 11 U.S.C. Section 1307(c)(1) by failing to propose an adequately funded plan, in that the total filed proofs of claim which are to be paid through the plan exceed the value of the proposed plan.

WHEREFORE, Kenneth E. West, Esq., Standing Chapter 13 Trustee, requests that the Court, after a hearing, enter an Order dismissing this case.

Date: 03/25/2024

Respectfully submitted,

/s/ Kenneth E. West, Esq.

Kenneth E. West, Esq.
Standing Chapter 13 Trustee
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